

APR 17 2009

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

## CONSENT ORDER

VS.

CBS LIFE, INC.,

CAUSE NO. A-1824

RESPONDENT.

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and CBS Life, Inc. ("Respondent") mutually stipulate and agree as follows:

## JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondents pursuant to NEB. REV. STAT. §44-101.01 and §44-4001, ET SEQ.
2. Respondent is licensed as an insurance agency under the laws of Nebraska at all times material hereto.
3. Stella Levea ("Levea"), James Masat ("Masat"), and Kenneth Mottin ("Mottin") are the current designated producers for Respondent. On January 27, 2009, Levea, Masat, and Mottin consented to, and the Department approved of, the revocation of their individual insurance producers' licenses.

### STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. CBS Life, Inc., Cause Number A-1824 on April 8,

2009. A copy of the petition was served upon Respondent at Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondents violated NEB. REV. STAT. §44-4053(2)(b), in the following manner:
  - a. On January 27, 2009, Levea and Masat, both designated producers for Respondent, had their licenses revoked for violations of NEB. REV. STAT. §§ 44-1524, 44-1525(11), 44-4059(1)(b), 44-4059(1)(g), 44-4059(h), and 44-4054(8). Levea and Masat did not admit or deny the allegations contained in the petition; however, both agreed and consented to the revocation of their insurance producers' licenses.
  - b. On January 27, 2009, Mottin, also a designated producer for Respondent, had his license revoked for violations of NEB. REV. STAT. §§ 44-1524, 44-1525(11), 44-4059(1)(b), 44-4059(1)(g), 44-4059(h), and 44-4054(8). Mottin admitted to the allegations contained in the petition, and consented to the revocation of his insurance producer's license.
  - c. As of April 8, 2009, there have been no other producers designated for CBS as required under of NEB. REV. STAT. §44-4053(2)(b).

3. Respondent was informed of the right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits to the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of NEB. REV. STAT. § 44-4053(2)(b).

## CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, CBS Life, Inc., that its insurance agency license be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signature below.

Martin W. Swanson, #20795  
Attorney for Petitioner  
Department of Insurance  
941 O Street, Suite 400  
Lincoln, Nebraska 68508  
(402)471-2201

16 April 09  
Date

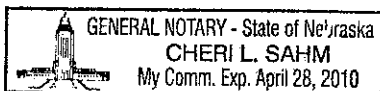
CBS Life, Inc.

By

Date \_\_\_\_\_

State of Nebraska )  
 ) ss.  
County of Douglas )

On this 15th day of April, 2009, Thomas D. Stalnaker personally appeared before me, on behalf of CBS Life, Inc., and read this Consent Order, executed the same and acknowledged the same to be its voluntary act and deed.



Cheri L. Salas  
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. CBS Life, Inc, Cause No. A-1824.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

Ann M. Frohman

Ann M. Frohman  
Director of Insurance

April 17, 2009  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was served upon Respondent by mailing a copy to PO Box 1927, Grand Island, NE 68802, by certified mail, return receipt requested on this 17<sup>th</sup> day of April, 2009.

I hereby further certify that a copy of executed Consent Order was served upon Thomas Stalnaker at Stalnaker Becker & Buresh, P.C., 111 N. 102<sup>nd</sup> Court, #330, P.O. Box 24268, Omaha, NE, 68124-0268, by certified mail, return receipt requested on this 17<sup>th</sup> day of April, 2009.

Jerry A. Laska